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ABSTRACT

This chapter by chapter summary of legislation enacted by the 1988 New York State Legislature affecting education and the professions has been prepared for use by the education community. Additional legislation may be forthcoming because the Legislature was in temporary recess as of the publication of this report. Sections of the report include the following: (1) Laws Affecting School Districts Generally; (2) Boards of Cooperative Educational Services; (3) State Aid; (4) Taxation and Financial Administration; (5) Miscellaneous; (6) Laws of Local Application; (7) Higher Education; (8) Laws Affecting the Professions; and (9) Laws Affecting the Disabled. Laws are arranged by chapter number under each heading. The statements describing each chapter are necessarily brief and are intended to call attention to the subject matter of the legislation, rather than to provide a definitive review of all its provisions. Marginal captions indicate the major topic of each chapter. The complete text of each chapter may be found in the Session Laws of New York 1988, which is available in most law libraries. An index by chapter number is also included. (FMW)

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The University of the State of New York
The State Education Department
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Summary of New Legislation Affecting Education

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INTRODUCTION

This summary of major legislation enacted by the 1988 Legislature affecting education and the professions has been prepared with the hope that it will prove useful to the education community.

Since the Legislature has chosen not to adjourn but to recess temporarily, it is not known at this time whether there will be further significant legislation.

The statements with respect to each chapter are necessarily brief, and are intended to call attention to the subject matter of the legislation, rather than to provide a definitive review of all its provisions. The complete text of each chapter may be found in the Session Laws of New York 1988, which are available in most law libraries.

Robert E. Diaz
Counsel and Deputy Commissioner
for Legal Affairs

September, 1988

LAWS AFFECTING SCHOOL DISTRICTS GENERALLY

Use of School Buildings by Volunteer Ambulance Workers

CHAPTER 24 (effective January 1, 1989) amends the Town Law, the Election Law, the Estates Powers and Trusts Law, the Executive Law, the General Municipal Law, the Village Law, the New York Defense Emergency Act and the Workers' Compensation Law to authorize town boards to establish ambulance districts to provide emergency medical service and general ambulance service within such districts. The chapter also enacts chapter 64-B of the consolidated laws, to be the Volunteer Ambulance Workers' Benefit Law, in order to establish a system of benefits for volunteer ambulance workers. It also amends paragraph (d) of subdivision 1 of section 414 of the Education Law to allow organizations of volunteer ambulance workers the use of schoolhouse and schoolgrounds for fund-raising activities, when permitted by respective boards of education.

Venue for Section 4404 Proceedings

CHAPTER 41 (effective April 9, 1988) adds a new paragraph 3 to subdivision (b) of section 506 of the Civil Practice Law and Rules to provide that notwithstanding the provisions of paragraph two of such subdivision, a proceeding against the Commissioner of Education pursuant to section 4404 of the Education Law may be commenced in the supreme court in the county of residence of the petitioner.

Absentee Ballots in School District Elections

CHAPTER 72 (effective May 9, 1988) amends paragraphs b and d of subdivision two of section 2018-a of the Education Law relating to the declaration to be made by a voter seeking to use an absentee ballot in a school district election. The chapter deletes references in those paragraphs to the voter's affidavit and substitutes more correct references to the voter's application for an absentee ballot.

Teacher Career Recruitment Clearinghouse Armed Forces

CHAPTER 174 (effective June 27, 1988) amends section 3034 of the Education Law to include the armed forces among the entities to be consulted by the State Education Department with regard to the Teacher Career Recruitment Clearinghouse and would also include State and Federal military facilities among the recipients of information on career opportunities in teaching and the related education professions. The chapter also provides that State and Federal military publications be used in promoting clearinghouse information.

Protective Headgear for Batboys and Batgirls

CHAPTER 215 (effective October 29, 1988) adds a new section 409-c to the Education Law to provide that the board of education or trustees of every school district and the principal or other person in charge of every nonpublic elementary or secondary school within the state, shall arrange for and require that batboys or batgirls participating in baseball or softball competition conducted as an activity of such school district or nonpublic school shall wear protective headgear at all times when a game is in play and such batboys or batgirls are on the playing field.

School District Responsibility for Children in ICFs

CHAPTER 221 (effective July 8, 1988 and retroactive to April 1, 1988) amends subparagraph (1) and adds a new subparagraph (13) of paragraph d of subdivision 5 of section 3202 of the Education Law to provide that the board of education of the school district in which a child would be deemed to reside but for his placement in an intermediate care facility developed pursuant to the residential school bed development program continue to be responsible for providing such child with appropriate educational services following such child's admission to the intermediate care facility.

Extension of Experimental School Health Projects

CHAPTER 245 (effective July 8, 1988) extends for one additional year the provisions of Chapter 198 of the Laws of 1978 authorizing certain school districts to provide expanded health services for school age and pre-school age children, and to employ certain registered professional nurses with advanced training in the provision of such services.

Uniform Procedure for Adult Services for Children with Handicapping Conditions

CHAPTER 256 (effective July 11, 1988) amends subparagraph (5) of paragraph b of subdivision 1 of section 4402 of the Education Law and repeals subparagraph (6) of that paragraph and paragraphs b through f of subdivision 1 of section 4407 of the Education Law to establish a uniform procedure for the referral of students with handicapping conditions for planning for adult services. The principal changes from the current statutory provisions are to provide, when appropriate, for parental participation in consenting to the release of information regarding planning for adult services for a student of 18 years or older who is placed in a nonresidential school, to require that referrals for adult services for students placed in out-of-state residential schools be submitted directly to the appropriate State agency, to require school districts to submit to the Education Department annual reports concerning the referral of out-of-state residential students for adult services planning, and to delete the requirement that a copy of each individual referral report submitted by a school district to a State agency for purposes of adult services planning be filed with the State Education Department. It also amends section 4403 of the Education Law and sections 7.37 and 13.37 of the Mental Hygiene Law to conform them to the changes in sections 4402 and 4407 of the Education Law.

Listening Systems in Places of Public Assembly

CHAPTER 295 (effective June 30, 1989 in part and August 24, 1988 in part) amends the Executive Law to create an advisory board on assistive listening devices in places of public assembly, to make findings and recommendations to the State Fire Prevention and Building Code Council concerning standards for the use of assistive listening systems in various places of public assembly, and to require the Council to develop and adopt standards for such systems and designate places of public assembly which will be required to install assistive listening systems. It also adds a new section 53 to the Public Buildings Law to require the installation of such systems in certain type rooms in all new public buildings, construction of which commences after September 30, 1989.

Library as Employer in ERS

CHAPTER 302 (effective July 25, 1988) amends section 31-a of the Retirement and Social Security Law to authorize boards of trustees of school district public libraries to elect to become participating employers in the retirement system independently of the school district which the library serves.

Clarifying Article 81 – Children in Child Care Institutions

CHAPTER 305 (effective July 25, 1988) adds to section 4001 of the Education Law definitions of "school district of origin," "school district of residence," and "written recommendation." Those terms are to be used throughout Article 81 of the Education Law to clarify the roles and responsibilities of public agencies and school districts for the placement and evaluation of children being considered for admission to a child care institution. Section 4005 of the Education Law is amended to clarify that it is the responsibility of the school district of residence to evaluate and provide written recommendations for children thought to have handicapping conditions prior to placement in a child care institution by Family Court, a local social services district, or the Division for Youth. The 30-day time period for committees on special education to respond to requests for such recommendations is replaced by a requirement that such committees act within the time period specified in regulations of the Commissioner. It also amends section 4002 of the Education Law to clarify that the service options available for youth residing in child care institutions include hospital instruction, and to clarify the responsibilities of the child care institutions for youth who, subsequent to entering the facility, are suspected of having a handicapping condition.

Education of Homeless Children

CHAPTER 348 (effective July 1, 1988) adds a new subdivision 8 to section 3202 of the Education Law to provide for state assistance for the education of homeless children. Paragraph a of subdivision 8 provides that where the school district of current location or a school district participating in a regional placement plan approved by the Commissioner is designated as the district in which a homeless child shall attend upon instruction, in lieu of the district of last attendance, the school district providing instruction shall be eligible for reimbursement by the Education Department for the direct cost of educational services calculated pursuant to regulations of the Commissioner and as approved by the Commissioner, for the period of time for which such services are provided to the homeless child. The educational costs for these children would not be otherwise aidable or reimburseable. Paragraph b of subdivision 8 provides that the school district of last attendance would reimburse the Education Department for its expenditure for educational services on behalf of such child in an amount equal to the school district basic contribution, as defined in subdivision 8 of section 4401 of the Education Law, prorated for the proper period of time. Paragraph c of such subdivision 8 provides that the social service agency which provides assistance or services to a homeless child in temporary housing located outside the school district of last attendance shall notify the Commissioner, the appropriate district superintendent, school district of last attendance and the school district designated by the child, parent or person in parental relation of such designation. Paragraph d of such subdivision 8 requires the Commissioner to adopt regulations to implement the provisions of subdivision 8. The terms "homeless child," "school district of current location," "school district of last attendance" and "regional placement plan" shall be defined in regulations of the Commissioner.

School Bus Safety Devices

CHAPTER 351 (effective November 26, 1988) amends section 375 of the Vehicle and Traffic Law to require the Commissioner of Motor Vehicles to adopt rules and regulations for the use of back up beepers, front crossing arms and safety sensor devices on school buses. The chapter also amends sections 3602 and 3627 of the Education Law to provide transportation aid for the purchase of such devices and for providing monitors on school buses for students with handicapping conditions.

CHAPTER 376 (effective January 1, 1989) amends section 35 of the General Municipal Law to require municipalities and school districts, in their discretion, to report corrective actions taken or recommendations contained in a report or management letter of an external audit performed by an independent public accountant. Such report is required to be filed with the State Comptroller within 90 days of the presentation of the report to the school district board of education. Reports of activities subject to examination by the Commissioner of Education must be filed with the Commissioner.

Report of Corrective Actions Taken After Audit

CHAPTER 466 (effective August 1, 1988 and until April 1, 1990) adds a new section 4404-a of the Education Law requiring the Commissioner of Education, in consultation with the Office of Court Administration, to establish a special education mediation demonstration program. Parents of children with handicapping conditions living in participating school districts would be informed of the availability of the mediation program to resolve complaints concerning the education of their children. The chapter provides that the availability of the mediation program would not diminish any rights presently held by parents of such children. On or before January 1, 1990, the Commissioner of Education would be required to report to the Legislature and the Governor concerning the effectiveness of the demonstration program.

Special Education Mediation Demonstration Program

CHAPTER 504 (effective April 1, 1989) amends the Social Services Law, the Mental Hygiene Law, the Public Health Law, the Education Law and the Executive Law to require certain agencies governed by those laws to develop policies and procedures regarding the reporting of child abuse or neglect. A new section 3209-a of the Education Law is added to require school districts to develop, maintain and disseminate written policies and procedures regarding the mandatory reporting of child abuse and neglect and to establish and implement a training program for all current and new school officials regarding such policies and procedures. It also requires local departments of social services to coordinate their programs of publicity and education for persons required to report suspected child abuse or maltreatment with those of school districts and other agencies upon which the new requirements would be imposed.

Policies on Reporting Child Abuse or Neglect

CHAPTER 528 (effective August 12, 1988) amends section 1502 of the Education Law and section 73-e of the Transportation Law to permit school districts under certain circumstances to contract with not-for-profit organizations providing agricultural child care or with an operator of a coordinated public transportation service to provide transportation related services in rural counties. The chapter also includes school districts in rural public transportation coordination assistance programs authorized by the Transportation Law.

Certain Transportation Contracts

CHAPTER 529 (effective September 12, 1988) amends subdivision (b) of section 1174 of the Vehicle and Traffic Law to require that a school bus driver shall keep the school bus halted with red signal lights flashing until passengers are at least fifteen feet from the bus and off the highway or on a sidewalk, whether passengers are crossing the highway or discharging to the same side of the highway.

School Buses – Red Flashing Lights

CHAPTER 543 (effective August 11, 1988) amends section 412 of the Social Services Law, to extend the protections of Title 6 of such law, relating to the reporting and investigation of incidents of child abuse or maltreatment, to children with handicapping conditions who are eighteen to twenty-one years of age attending residential schools.

Reporting Child Abuse – Residential Schools

CHAPTER 544 (effective January 1, 1989) extends the group of mandated reporters of child abuse or neglect to include superintendents of schools; certified teachers; teachers and directors employed by proprietary trade and business schools; and all persons licensed and registered to practice the professions of medicine, chiropractic, dentistry, registered nursing, podiatry, optometry and psychology, pursuant to Title VIII of the Education Law. All such persons would be required to provide the State Education Department with documentation showing that they had completed two hours of course work or training regarding the identification and reporting of child abuse and maltreatment. Certain professional licensees would have the opportunity to obtain an exemption from the training requirements upon demonstrating to the Department's satisfaction that there would be no need for such training because of the nature of his or her practice.

Mandated Reporters of Child Abuse or Neglect

CHAPTER 545 (effective January 1, 1989) amends sections 415 and 422 of the Social Services Law to provide for reporting of suspected incidents of child abuse or maltreatment to the Statewide Central Register by means of a telephone facsimile number or a special unlisted express telephone number, and to provide for a single Statewide telephone number which may be called to obtain general information about child abuse, maltreatment or welfare.

Telephone Number to Report Child Abuse

CHAPTER 561 (effective August 15, 1988) amends section 403 of the Executive Law to provide for the flying of the flag at half-staff each December seventh, known as Pearl Harbor Day.

Pearl Harbor Day

CHAPTER 586 (retroactive to July 1, 1988) amends paragraph d of subdivision 4 of section 4402 of the Education Law to require boards of education to provide transportation during the 1988-89 school year for certain children with handicapping conditions to and from nonpublic schools which they attend and which are providing special education services similar to those recommended by local committees on special education.

Transportation of Certain Handicapped Children

CHAPTER 353 (effective July 29, 1988) reletters paragraphs cc (set out second), dd, ee (set out first) and ee (set out second) to paragraphs dd, ee, ff and gg respectively and adds a new paragraph hh authorizing BOCES to contract with individuals and organizations to provide environmental education activities to two or more school districts. Such activities may not exceed a duration of three weeks and may only include those activities that would not be expected to be provided by full-time BOCES staff.

Environmental Education Contracts

CHAPTER 552 (effective August 15, 1988) adds a new subdivision 17 to section 1950 of the Education Law to require each board of cooperative educational services (BOCES) to submit to the Commissioner of Education a special education space requirements plan assessing the need for additional facilities for special education programs within the geographic area served by the BOCES. The first such plan would be submitted no later than February 1, 1989, and new plans would be submitted every fifth year thereafter.

Special Education Space Requirement Plans

Local Assistance Budget – 1987 State Aid Amendments

CHAPTER 53 (the Local Assistance Budget; effective July 1, 1987 in part), in addition to local assistance regular (section 1), and local assistance - regular reappropriations (section 2), enacts certain amendments to the Education Law and the unconsolidated laws governing State aid (all section references are to the Education Law unless otherwise indicated)

§4 amends section 27 of chapter 53 of the Laws of 1979 (1979 Local Assistance Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§5 amends section 38 of chapter 53 of the Laws of 1980 (1980 Local Assistance Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect until June 30, 1989.

§6 amends section 46 of chapter 53 of the Laws of 1981 (1981 Local Assistance Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§7 amends section 38 of chapter 419 of the Laws of 1982 (which contains the 1982 local assistance appropriations), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§8 amends section 33 of chapter 53 of the Laws of 1983 (1983 Local Assistance Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§9 amends section 58 of chapter 53 of the Laws of 1984 (1984 Local Assistance Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§10 amends section 65 of chapter 53 of the Laws of 1985 (1985 Local Assistance Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§11 amends section 22 of chapter 10 of the Laws of 1986 (the 1986 Deficiency Budget), as amended by chapter 53 of the Laws of 1987, to continue certain sections in effect through June 30, 1989.

§12 amends section 88 of chapter 53 of the Laws of 1986 (1986 Local Assistance Budget) as amended by chapter 53 of the laws of 1987, to continue certain sections in effect through June 30, 1989.

§13 amends section 63 of chapter 53 of the Laws of 1987 (1987 Local Assistance Budget) to continue certain sections in effect through June 30, 1989.

§14 amends section 25 of chapter 810 of the Laws of 1987 (technical corrections bill) to continue certain sections in effect through June 30, 1989.

§15 was vetoed by the Governor.

§16 repeals paragraph d of subdivision 15 of section 1950 and enacts a new paragraph d to provide for the BOCES regional or statewide median teacher salary for the excellence in teaching apportionment for BOCES.

§17 amends paragraph c of subdivision 1 of section 3602 to define actual valuation for aid payable in the 1988-89 school year.

§18 amends subparagraph 1 of paragraph e of subdivision 1 of section 3602 to make numerous changes in the definition of percentage of pupils with special educational needs.

§19 amends paragraphs i and k of subdivision 1 of section 3602 to establish the statewide average actual valuation per total wealth pupil units at 118,500 and to establish the statewide average adjusted gross income per total wealth pupil units for 1988-89 at $61,500.

§20 amends paragraph e of subdivision 1-a of section 3602 to fix the date at February first for the Commissioner's annual report to the Governor and Legislature on pupils with compensatory educational needs.

§21 amends subparagraphs 2, 3 and 4 of paragraph a of subdivision 3 of section 3602 to set the 1988-89 state average actual valuation per pupil at 135,300 and define a weighted average daily attendance wealth ratio, a building aid ratio and a board of cooperative educational services aid ratio.

§22 amends paragraph b of subdivision 3 of section 3602 to set the local share for operating aid at 64%.

§23 amends paragraph c of subdivision 6 of section 3602 to continue the choice of aid ratios for capital outlay and debt service for building aid for the 1988-89 school year.

§24 amends subdivision 9-a of section 3602 to delete the exclusion of subdivision 17 pupils from secondary school weighting.

§25 amends paragraph a of subdivision 11 of section 3602 to include in such subdivision for large city school districts expenditures from the special aid fund of grant moneys for improving pupil performance and categorical aid for special reading programs as provided in the aid to localities budget.

§26 amends paragraph d of subdivision 12 of section 3602 to set the formula operating aid ceiling for 1988-89 at $3761.

§27 amends paragraph c of subdivision 14 of section 3602 to extend the time period until July 1, 1990, by which general contracts must be awarded to be eligible for reorganization incentive building aid.

§28 amends paragraph b of subdivision 15 of section 3602 to make substantial changes in the computation of borough aid.

§29 amends subparagraphs 1, 2 and 3 of paragraph b of subdivision 16 of section 3602 to make numerous changes in the computation of high tax aid.

§30 amends paragraphs b and c of subdivision 17 of section 3602 to title the paragraphs aid for occupational education and computer administration aid for large city school districts, respectively and make numerous other changes.

§31 amends paragraphs a, c and d of subdivision 18 of section 3602 to continue the minimum apportionment for the 1988-89 school year.

§32 amends clauses 1, 2, 3 and 4 of subparagraph b of paragraph 1 of subdivision 19 of section 3602 to add a weighting for attendance of pupils which require consultant teacher services and to make technical changes.

§33 amends subparagraph c of subdivision 19 of section 3602 to set the statewide average of 1988-89 at $4600.

§34 amends paragraph 6 of subdivision 19 of section 3602 to continue the save harmless provision into 1988-89.

§35 amends subdivision 22 of section 3602 to increase from 12 and 6/10% to 13% per pupil aid for limited English proficiency.

§36 amends subdivision 23 of section 3602 to increase the dollar amount in the computation of gifted and talented program aid from $192 to $196.

§37 amends paragraph a of subdivision 25 of section 3602 to add a Tier I and Tier II attendance improvement/dropout prevention apportionment.

§38 amends subparagraph 1 of paragraph b of subdivision 25 of section 3602 to make numerous changes in the attendance plan for the attendance improvement/dropout prevention apportionment.

§39 amends paragraphs e, f and g of subdivision 25 of section 3602 to require the Commissioner to establish uniform statistical reporting requirements for school districts receiving attendance improvement/dropout prevention funds and to make other technical changes.

§40 amends paragraph a of subdivision 26 of section 3602 to make technical changes and to authorize up to 20% of the apportionment under the subdivision to be used to repair instructional computer hardware.

§41 amends paragraph b of subdivision 27 of section 3602 to make technical changes to the excellence in teaching apportionment for school districts.

§42 repeals paragraph d of subdivision 27 of section 3602 and enacts a new paragraph d establishing the lesser of the base year regional or statewide median teacher salary for excellence in teaching aid.

§43 amends subdivision 30 of section 3602 to make numerous changes in the supplemental support apportionment.

§44 amends paragraph 4 of subdivision 32 of section 3602 to make technical changes in the educationally related support services apportionment.

§45 amends paragraph 1 of subdivision 33 of section 3602 to make numerous changes in the speech therapy program apportionment.

§46 amends paragraphs a and b of subdivision 34 to make numerous changes in vocational education equipment apportionment and define weighted contact hours for such apportionment.

§47 adds a new subdivision 36 to section 3602 to provide voluntary interdistrict urban-suburban transfer program aid.

§48 amends paragraph d of subdivision 1 of section 3602-a to make a change in the student information systems plan for New York City.

§49 amends paragraph d of subdivision 3 of section 3602-a to make a change in the demonstration grants for community partnerships.

§50 amends subdivision 7 of section 3604 to clarify Regents examination days to be used as the cutoff for makeup of missed days of session as incurring in June.

§51 amends paragraph a of subdivision 2 of section 4401 to add consultant teacher services to services authorized by such subdivision.

§52 amends paragraph a of subdivision 2 of section 4402 to make a technical change in such paragraph.

§53 amends subdivision 1 of section 4607 to increase from 100 to 250 the grants for the bridge to employment, work tryout and education program.

§54 amends subparagraph 2 of paragraph b of subdivision 5 of section 4607 to make technical changes.

§55 amends paragraphs a and b of subdivision 7 of section 4607 to make numerous changes in the work tryout experience provision.

§56 adds a new paragraph d to subdivision 7 of section 4607 to authorize eligible adults who are economically disadvantaged or handicapped to be eligible for certain benefits of this section.

§57 amends subdivision 1 of section 236 of the Family Court Act to make numerous technical changes.

§58 amends subdivision g of section 12 of chapter 280 of the Laws of 1978, as amended by chapter 53 of the Laws of 1987, to provide advances due to a city school district or city as follows:

	New	*Old*
1988-89	100%	75%
1989-90	75%	50%
1990-91	50%	25%
1991-92	25%	no advance
1992-93 on	no advance	no advance

§59 was vetoed by the Governor.

§60 was vetoed by the Governor.

§61 appropriates for the development and continuation of magnet school programs the following amounts to the following city school districts for the 1987-88 school year:

New York City	$ 2,175,000
Buffalo	9,525,000
Rochester	10,500,000
Syracuse	3,250,000
Yonkers	16,500,000
Newburgh	3,875,000
Poughkeepsie	875,000
Mount Vernon	1,200,000
New Rochelle	1,200,000
Schenectady	1,400,000
Port Chester	300,000
White Plains	300,000

§62 provides student information system grants.

§63 provides grants for programs for pupils with compensatory educational needs.

§64 continues the special reading programs in New York City at the level of $10,950,000 in 1988-89.

§65 continues the special reading and academic programs in Buffalo at the level of $11,000,000 in 1988-89.

§66 continues the special reading and academic programs in Rochester at the level of $1,500,000 in 1988-89.

§67 continues the special reading and academic programs in Yonkers at the level of $5,000,000 in 1988-89.

§68 continues the special reading and academic programs in Syracuse at the level of $6,000,000 in 1988-89.

§69 appropriates $3,250,000 for the payment of certain July and August programs during the 1988-89 school year for children with handicapping conditions.

§70 appropriates $4,400,000 for the payment of certain July and August programs during the 1988-89 school year for children with handicapping conditions.

§71 provides a separate calculation under subdivision 27 of section 3602 of the Education Law.

§72 amends section 9 of chapter 685 of the Laws of 1986 to make numerous changes in provisions dealing with nonpublic pupils with special educational needs.

§73 is not applicable.

§74 is not applicable.

§75 was vetoed by the Governor.

§76 was vetoed by the Governor.

§77 was vetoed by the Governor.

§78 was vetoed by the Governor.

§79 establishes the temporary State commission on the distribution of State aid to local school districts.

§80 establishes the early childhood task force.

CHAPTER 262 (effective July 19, 1988 in part, retroactive April 1, 1988 in part and until January 1, 1990 in part) amends chapters 50, 51, 53 and 54 of the Laws of 1988 and chapter 683 of the Laws of 1986 to make technical corrections to such chapters. This chapter also adds a new subdivision 21 to section 305 of the Education Law to authorize the Commissioner to establish procedures for a statewide system of assigning unique student identification numbers for all students in public and nonpublic schools in the State. In addition, it provides for school district and BOCES aid for asbestos inspections and nonpublic school aid for asbestos inspections.

Technical Corrections, Unique Student ID Numbers and Asbestos Aid

CHAPTER 348 (See Chapter 348 under Laws Affecting School Districts Generally.)

Education of Homeless Children

CHAPTER 351 (See Chapter 351 under Laws Affecting School Districts Generally.)

School Bus Safety Devices

TAXATION AND FINANCIAL ADMINISTRATION

Increases in Supplemental Retirement Allowances

CHAPTER 8 (effective February 29, 1988 in part and retroactive to September 1, 1987 in part) amends the Retirement and Social Security Law and the Education Law relating to post-retirement supplementation allowances. It repeals paragraph 1-a of subdivision e of section 532 of the Education Law relating to post-retirement supplementation allowances. The chapter amends the current post-retirement supplementation law for the September, 1987 through August, 1989 period and increases the supplemental percentage rates and enfranchise otherwise eligible pensioners retired during the years 1980, 1981 and 1982. The chapter also improves cost-of-living supplemental benefits for members of the New York State Teachers' Retirement System who retired prior to the calendar year 1983 and improves the minimum benefit for members who retired prior to July 1, 1968 with 30 years of New York State service from $5,500 annually to $6,000 annually.

Filing of Documents with TRS

CHAPTER 87 (effective May 23, 1988) adds a new subdivision 19 to section 508 of the Education Law to provide that whenever a statute requires a document to be filed or moneys to be deposited with the New York State Teachers' Retirement System by a specified date in order for the member to be eligible for a credit or benefit, such filing or deposit will be deemed to occur on the date following the day the document or money is mailed through the United States Postal Services so long as it is sent by registered or certified mail, return receipt requested, provided that the system actually receives the document.

Correction of Errors on Rolls

CHAPTER 160 (effective January 1, 1989) amends various sections of the Real Property Tax Law to facilitate the administrative correction of errors on assessment and tax rolls, including errors relating to school taxes.

Extension of Investment in Certain Notes

CHAPTER 189 (effective June 30, 1988) amends chapter 680 of the Laws of 1983 to extend from June 30, 1988 to June 30, 1993 the period during which the proceeds from the sale of bonds, bond anticipation notes, capital notes and urban renewal notes may be invested in the investment vehicles allowed by chapter 680 of the Laws of 1976. Chapter 680 amended section 165.00 of the Local Finance Law to add to the investment vehicles in which municipalities and school districts may invest, with the approval of the State Comptroller, tax anticipation notes or revenue anticipation notes issued by any municipality, school district or district corporation other than the one investing such proceeds.

Real Property Tax Law Technical Amendments

CHAPTER 228 (effective January 1, 1989) amends the Real Property Tax Law, the General Municipal Law and the Tax Law, to make technical and clarifying amendments to such laws. Applicable to school district are technical amendments to the heading of article 12-B and section 1261 of the Real Property Tax Law which concern the special state equalization rates for computing constitutional debt limitations in city school districts.

CHAPTER 272 (effective July 1, 1988) amends paragraph a of subdivision 8 of section 509 of the Education Law to permit members of the New York State Teachers' Retirement System who last joined the System prior to July 1, 1976, and who did not receive credit for service pursuant to this section prior to July 1, 1988, to obtain credit for prior service without making the payments required by this paragraph.

Prior Service for TRS

CHAPTER 298 (effective July 25, 1988) amends section 467 of the Real Property Tax Law to provide that for the purposes of satisfying the 24 month ownership period for eligibility for real property tax exemptions for persons 65 years old or older, reacquisition of transferred exempt property within 9 months of the date of original transfer shall be deemed to satisfy the 24 consecutive months' requirement for exemption. It also provides that such time period requirement shall be satisfied if the property was exempt at the time of the owner's death and the property is transferred within 9 months to persons who at that time maintained the property as their primary residence.

Tax Exemptions for the Elderly

CHAPTER 350 (effective July 29, 1988) amends subdivisions 2 and 9 of section 6-n of the General Municipal Law which provides for insurance reserve funds, to make technical corrections and to authorize the transfer of reserves established under other sections of law to the section 6-n reserve fund, if the exposure is authorized for inclusion in the 6-n fund.

Insurance Reserve Funds

CHAPTER 367 (effective July 29, 1988) amends subdivision 3 of section 77-b of the General Municipal Law to eliminate the $100 limitation on reimbursement for registration fees at conferences attended by municipal, including school district and BOCES officers and employees.

Delete Limit on Registration Fees

CHAPTER 388 (effective July 29, 1988) amends various sections of the Real Property Tax Law with regard to the use of the dual tax rate system, i.e. homestead proportion and non-homestead proportion, by school districts located in more than one town or city and certain other assessing units. Among other amendments, "eligible split school district" is defined and the procedures to be followed by such school districts and assessors in implementing the dual tax rate system are specified.

Homestead and Non-homestead Proportions

RANs for School Districts Affected by Lion Capital and RTD Securities Bankruptcy Petitions

CHAPTER 408 (effective July 29, 1988) authorizes certain school districts to issue revenue anticipation notes during the last six weeks of the 1987-88 school year, for the purpose of meeting expenditures coming due in that year, in anticipation of revenues to be received during the 1988-89 school year. Eligible districts are those which have experienced cash interruptions as a direct result of the filing of petitions under chapter 11 of the Federal Bankruptcy Act by Lion Capital Group and/or RTD Securities, Inc., and which will have exhausted all available unrestricted cash prior to the last day of the 1987-88 school year and which are therefore unable to satisfy obligations coming due during that year. The Commissioner of Education is be authorized to determine which school districts meet the eligibility requirements of the act and the maximum amount of revenue anticipation notes which each such district may issue. It also establishes a special fund in the custody of the State Comptroller to be known as the School District State Aid Reserve Fund, and authorizes eligible school districts to request the establishment of an account for each such district in that fund, and requires the Comptroller to purchase the revenue anticipation notes of an eligible school district which has established such an account and which is unable to sell its revenue anticipation notes at reasonable interest rates after having made a good faith effort to do so.

Extension of Certain LFL Provisions

CHAPTER 447 (effective July 29, 1988) amends the Local Finance Law to extend until June 30, 1988, various provisions relating to the redemption of obligations prior to maturity, the cost of sales, the sale of bonds, the sale of variable rate notes, the exchange of bonds and the down payment for bonds.

Awarding of Bonds

CHAPTER 575 (effective August 15, 1988) amends sections 58.00 and 59.00 of the Local Finance Law, in relation to the manner in which bonds are awarded pursuant to competitive bidding. Section 58.00 provides that only one rate of interest may be bid for bonds of the same maturity. Where the net interest cost method of calculating interest cost is used, or where the notice so provides, the interest rate for each maturity shall not be less than the interest rate for any prior maturity. Section 59.00 provides that the bonds shall be awarded to the bidder offering the lowest interest cost of the municipality, school district or district corporation as computed in accordance with the net interest cost method or the actuarial or true interest cost method.

Tax Certiorari Reserves

CHAPTER 588 (effective September 1, 1988) adds two new subdivisions 1-a and 3-a to section 3651 of the Education Law to authorize school districts to establish a reserve fund for the payment of judgments and claims in tax certiorari proceedings, without voter approval.

Certified School Districts for Tax Purposes

CHAPTER 666 (effective September 1, 1988) adds a new section 1315 to the Real Property Tax Law to provide for the apportionment of taxes in certain school districts located in more than one city or town after reassessment, notwithstanding the provisions of section 1314 of such law. A school district would apply to the State Board of Equalization and Assessment to become a "certified school district" if the Board determines that assessments are at a uniform percentage of value in all of the cities and towns in the district. The certified district would then apportion its tax levy in proportion to the taxable assessed value without the use of state equalization rates as presently required by section 1314 of such law. Recertification every third year is required.

MISCELLANEOUS

Effective Date of Ethics Commissions

CHAPTER 108 (effective June 8, 1988 in part and January 1, 1989 in part) amends chapter 813 of the Laws of 1987 amending the Public Officers Law, the Executive Law and the Legislative Law relating to the "Ethics in Government Act," to change the effective dates of sections 7 and 9 of such chapter that relate to the State Ethics Commission and the Legislative Ethics Committee, and thereby authorize the immediate creation of such Commission and Committee. The chapter also repeals subdivision 11 of section 63 and section 74 of the Executive Law relating to the powers of the attorney general.

Confidentiality of Circulation Records of Libraries

CHAPTER 112 (effective June 13, 1988) amends section 4509 of the Civil Practice Law and Rules relating to confidentiality of circulation records of libraries to specifically provide that library records, including records relating to circulation of library materials, computer data base searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audiovisual materials, films or records, shall be confidential when such records contain names or other personally identifying details concerning the users of said materials.

Niagara Frontier Air and Space Museum

CHAPTER 222 (effective July 8, 1988) designates the Amherst Museum as the Niagara Frontier Air and Space Museum.

Council on the Arts Program of Capital Grants

CHAPTER 255 (effective July 11, 1988 in part and retroactive to March 31, 1988, in part) amends section 3.07 of the Arts and Cultural Affairs Law to authorize both grants and loans, instead of one or the other, to non-profit cultural organizations which own their own facilities and have received grants in each of the last three years. Currently grants or loans may be awarded to not-for-profit arts organizations. This chapter explicitly excludes school districts and State agencies from participation and would specify that loans be provided from the Arts Capital Revolving Fund at a rate of interest from 3% to 10%.

Dormitory Authority Construction

CHAPTER 281 (effective July 19, 1988) amends subdivision 2 of section 1676 and subdivision 1 of section 1680 and add a new subdivision 25 to section 1680 of the Public Authorities Law to permit the Dormitory Authority to construct and finance facilities for the Devereux Foundation for the purpose of providing an educational and residential program for children with handicapping conditions, subject to the approval of the Commissioner of Education, the Commissioner of Social Services and the Commissioner of the Office of Mental Retardation and Developmental Disabilities.

Restoration of the Capitol

CHAPTER 303 (effective July 25, 1988 until April 1, 1993) extends until April 1, 1993, the State Commission on the Restoration of the Capitol.

CHAPTER 306 (effective October 24, 1988) adds a new section 138-a to the State Finance Law to require that all State public works contracts provide that the statute of limitations on contract actions against the contractor be computed from the date of completion of the physical work and that the contractor may notify the State or state agency in writing that physical work has been completed by specifying a completion date which may be no more than 30 days prior to the date of the notice. Such date shall be deemed to be the date of completion unless the State or state agency, within 30 days, notifies the contractor, in writing, of its disagreement with such date. If no notice is given by the contractor, or if the State or state agency disagrees with the completion date of such notice, the date of completion shall be determined in any other manner provided by law.

Statute of Limitations on State Contracts

CHAPTER 349 (effective July 27, 1988) adds a new subdivision 19 to section 1680 of the Public Authorities Law to permit the Dormitory Authority to construct and finance facilities of a new site for the Library for the Blind and Visually Handicapped.

Dormitory Authority Construction

CHAPTER 433 (effective July 29, 1988) amends subdivision 2 of section 1676 and section 1680 of the Public Authorities Law to permit the Dormitory Authority to construct and finance facilities for New Hope Community, Inc.

Dormitory Authority Construction

CHAPTER 444 (effective November 26, 1988) adds a new subdivision 13 to section 353 of the Executive Law to require the Director of the Division of Veterans' Affairs to operate a toll-free number to provide information relating to services available to veterans, including but not limited to educational and job benefits, tuition assistance, survivor benefits, health and mental health referrals and exemption from real property tax.

Veterans' Toll-free Number

CHAPTER 483 (effective November 29, 1988) amends sections 202, 202-c, and 203 of the State Administrative Procedure Act, section 101-a of the Executive Law and section 117 of the Workers' Compensation Law pertaining to agency rule making. Among other things, this chapter extends the maximum duration of an emergency rule from 60 to 90 days and provides that readoption of an emergency rule may remain in effect for no longer than 60 days. In addition, it eliminates a technical defect in the language of subdivision 1 of section 203 of the State Administrative Procedure Act by providing that the date of publication of the Notice of Adoption, rather than the date of publication of the rule, is the earliest date on which a permanent rule may take effect.

State Agency Rule Making

CHAPTER 491 (effective April 1, 1989) adds a new section 41.49 to the Mental Hygiene Law to establish an adolescent suicide prevention program within the jurisdiction of the Office of Mental Health. The Office of Mental Health, in consultation with the Council on Children and Families, is authorized to establish and conduct a program to provide grants to public or private not-for-profit organizations or public or private schools, in order to educate the general population and in particular parents, teachers, clergy, health and mental health professionals and adolescents about the positive actions that can be taken to identify and treat adolescents who are high suicide risks.

Adolescent Suicide Prevention Program

Reduction of Statutory Stay to 15 Days

CHAPTER 493 (effective September 1, 1988) amends paragraph one of subdivision (a) of section 5519 of the Civil Practice Law and Rules to reduce the statutory stay to which State appellants and movants are entitled to a period of fifteen days under certain narrowly-defined circumstances. The State is subject to this limitation when a Court, after considering an issue specified in subdivision 4 of section 7803 of the CPLR, issues a judgment or order directing reinstatement of a license held (1) by a corporation with no more than five stockholders and which employs no more than ten employees, (2) a partnership with no more than five partners and which employs no more than ten employees, (3) a proprietorship or (4) a natural person.

Day Care Centers

CHAPTER 503 (effective August 1, 1988) adds a new section 410-bb to the Social Services Law to make grants available to eligible not-for-profit child day care centers for the recruitment and retention of teaching and supervisory personnel.

Martin Luther King, Jr. Institute for Non-Violence

CHAPTER 513 (effective August 1, 1988) renumbers section 320 of the Executive Law as section 329 and adds a new Article 15-B to establish the New York State Martin Luther King, Jr. Institute for Nonviolence. The institute would be a public corporation one of whose members would be the Commissioner of Education.

Workforce Preparation Evaluation Act

CHAPTER 573 (effective August 15, 1988) adds a new article 49 to the Executive Law, to be known as the Workforce Preparation Evaluation Act, to require all State agencies to prepare a program plan for each workforce preparation program administered by the agency, for submission to the Job Training Coordinating Council. The program plans are intended to evaluate the effectiveness of such programs, which are defined as educational, occupational and training services used to effect employability of the participant.

Suspension of Motor Carrier Registration

CHAPTER 593 (effective September 1, 1988) amends subdivision (e) of section 509-j of the Vehicle and Traffic Law to authorize the Commissioner of Motor Vehicles to suspend all of a motor carrier's registrations, after an opportunity to be heard, upon a finding that the motor carrier has violated certain specified provisions of Article 19-A of the Vehicle and Traffic Law, which article establishes special requirements for bus drivers.

State Environmental Audits

CHAPTER 595 (effective December 31, 1988) adds a new §3-0309 to the Environmental Conservation Law to require each state agency and certain public authorities and public benefit corporations to annually assess the environmental problems caused by its operations and to report its findings and steps taken to alleviate such problems to the Department of Environmental Conservation. The affected agencies, authorities and corporations are also required to identify inactive hazardous waste disposal sites in an additional report to the Department of Environmental Conservation.

CHAPTER 639 (effective September 1, 1988) amends subdivision 1 of section 114 of the Education Law to add to such subdivision a tax deferred annuity as permitted by subdivision (b) of section 403 of the US Internal Revenue Code, as one of the investment purposes for which the State Education Department may enter into a written agreement with any employee to reduce the annual salary of such employee.

SED Employees – Tax Deferred Annuities

CHAPTER 679 (effective September 1, 1988) adds a new section 140 to the Education Law, to be known as the New York Documentary Heritage Act. The statute authorizes the Commissioner of Education to provide grants to chartered or other incorporated non-profit archives, libraries, historical societies, museums or other entities for the operation of historical records programs or cooperative projects involving two or more of such programs, as well as aid to regional advisory and assistance agencies which would provide program development advice and assistance within the region served by a Reference and Research Library System, and aid to the central administrations of the City University of New York and the State University of New York. The chapter defines an historical records program to be an organized program to collect, hold, care for and make available historical records which contain significant information which is of enduring value and worthy of long-term retention and systematic management.

Historical Documentary Heritage Grants

CHAPTER 681 (effective September 1, 1988) amends the Public Authorities Law to permit the Dormitory Authority to construct and finance facilities for United Cerebral Palsy of New York City, Inc.

Dormitory Authority Construction

CHAPTER 707 (effective September 2, 1988) amends the Social Services Law and the Mental Hygiene Law to provide special provisions for State reimbursement for child protective services and to establish enchanced performance standards for the delivery of child protective services.

Child Protective Services

LAWS OF LOCAL APPLICATION

ALEXANDER

CHAPTER 370 (effective July 29, 1988) authorizes the Education Department to apportion full transportation aid to the Alexander Central School District for student transportation provided during the 1986-87 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625. — Transportation Aid

BRADFORD

CHAPTER 403 (effective July 29, 1988) authorizes the Education Department to apportion full transportation aid to the Bradford Central School District for student transportation provided during the 1986-87 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625. — Transportation Aid

BRIGHTON

CHAPTER 608 (effective September 1, 1988) authorizes the Education Department to apportion full transportation aid to the Brighton Central School District for student transportation provided during the 1986-87 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625. — Transportation Aid

BROOKFIELD

CHAPTER 540 (effective August 12, 1988) authorizes the Education Department to apportion full transportation aid to the Brookfield Central School District for student transportation provided during the 1986-87 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625. — Transportation Aid

COHOES

CHAPTER 553 (effective August 15, 1988) authorizes the Cohoes City School District to issue serial bonds in the aggregate amount not to exceed $2,200,000 to fund the accumulated deficit as of June 30, 1988. — Serial Bonds

COLUMBIA

Conveyance of Land

CHAPTER 480 (effective August 1, 1988) authorizes the reconveyance of certain lands acquired by the Counties of Greene and Columbia pursuant to section 8 of chapter 692 of the laws of 1966 to the Board of Cooperative Educational Services (BOCES) of Rensselaer, Columbia and Greene counties or to a not-for-profit corporation that has entered into a lease with such BOCES for the use of such lands, for educational purposes.

GREENE

Conveyance of Land

CHAPTER 480 (effective August 1, 1988) authorizes the reconveyance of certain lands acquired by the Counties of Greene and Columbia pursuant to section 8 of chapter 692 of the laws of 1966 to the Board of Cooperative Educational Services (BOCES) of Rensselaer, Columbia and Greene counties or to a not-for-profit corporation that has entered into a lease with such BOCES for the use of such lands, for educational purposes.

EAST GREENBUSH

Creation of a Public Library District

CHAPTER 409 (effective July 29, 1988) authorizes the creation of a public library district which would serve all of the Town of East Greenbush. The chapter provides for a vote by district residents of the Town of East Greenbush to authorize the creation of the library, to approve a budget and to elect two trustees who, together with the current five-member board of trustees of the East Greenbush Community Library, would serve as the initial board of trustees for the library district. The town board of the Town of East Greenbush would have the power to authorize, sell and issue evidence of indebtedness pursuant to the Local Finance Law to permit the construction of new or improved library facilities. The Town of East Greenbush would be authorized to assess, levy and collect taxes for the necessary expenses of the operation, maintenance and repair of the facilities and other operating expenses of the library district. The initial board of trustees are required to apply to the Board of Regents for a charter as a public library.

EDGEMONT

Transportation Aid

CHAPTER 669 (effective September 1, 1988) authorizes the Education Department to apportion full transportation aid to the Edgemont Union Free School District for student transportation provided during the 1986-87 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

GARRISON

Transportation Aid

CHAPTER 407 (effective July 29, 1988) authorizes the Education Department to apportion full transportation aid to the Garrison Union Free School District for student transportation provided during the 1987-88 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

HOLLAND

CHAPTER 358 (effective July 29, 1988) authorizes the Education Department to apportion full transportation aid to the Holland Central School District for student transportation provided during the 1983-84 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid

HOOSICK FALLS

CHAPTER 400 (effective July 29, 1988) authorizes the Education Department to apportion full transportation aid to the Hoosick Falls Central School District for student transportation provided during the 1987-88 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid

HURLEY

CHAPTER 158 (effective June 27, 1988) establishes a mechanism for the possible creation of a library district in the County of Ulster, consisting of election districts one, three, five and seven of the Town of Hurley. The chapter provides for a vote by the voters of the Town of Hurley on the question whether the library district should be established, whether the initial budget proposed shall be approved, and whether three trustees shall be elected.

Library District

KINGSTON

CHAPTER 37 (effective April 9, 1988) authorizes the City of Kingston to convey a certain parcel of land to the Kingston City School District. The land in question is .737 acres in size and is described as being needed to provide a safer entry to the district's John F. Kennedy school. The conveyance would be without consideration and the city would retain a reversionary interest should the school not continue to be used for instruction.

Conveyance of Land

NEW YORK CITY

CHAPTER 194 (effective October 29, 1988) adds a new subdivision 3 to section 258 of the Banking Law to permit a school district in a city having a population of more than one million inhabitants to create a scholarship fund with the proceeds of dormant deposits held in the name of the principal, superintendent, designated person or agency head for 30 years, after due and diligent effort has been made to locate and notify any persons entitled to receive such property. The income from the trust shall be used to provide college scholarships to disadvantaged youth pursuant to rules promulgated by the board of education.

Scholarship Fund

CHAPTER 546 (effective August 15, 1988) amends group 20-b of subdivision 1 of section 3 of the Workers' Compensation Law to provide compensation for injuries or death incurred by persons employed "in a nonpedagogical capacity" by the New York City School District, replacing the current reference in group 20-b to "a film inspection assistant, a family worker, educational assistant, supervisor of school safety and an instructor of addition."

Workers' Compensation for Certain Employees

CHAPTER 548 (effective August 11, 1988) permits certain employee members of the New York City Teacher's Retirement System to receive service credit for authorized leave of absence without pay in order to conduct labor relations activities.

Service Credit for Labor Activities

RENSSELAER

CHAPTER 480 (effective August 1, 1988) authorizes the reconveyance of certain lands acquired by the Counties of Greene and Columbia pursuant to section 8 of chapter 692 of the laws of 1966 to the Board of Cooperative Educational Services (BOCES) of Rensselaer, Columbia and Greene counties or to a not-for-profit corporation that has entered into a lease with such BOCES for the use of such lands, for educational purposes.

Conveyance of Land

ROOSEVELT

CHAPTER 689 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the two preceding assessment rolls and annually thereafter, a special equalization rate for the real property located in the Roosevelt Union Free School District, Nassau County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law.

Special Equalization Rate

WATERTOWN

CHAPTER 391 (effective July 29, 1988) authorizes the city of Watertown to exchange certain land parcels adjacent to the North Elementary School with the Watertown City School District.

Exchange of Land

WAYLAND

CHAPTER 373 (effective July 29, 1988) authorizes the Education Department to apportion full transportation aid to the Wayland Central School District for student transportation provided during the 1986-87 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid

CHAPTER 9 (effective September 1, 1988) authorizes the trustees of the State University, through the New York State Emergency Medical Services Council and the State Health Department, to study the feasibility of offering educational programs at community colleges leading to certificates as emergency medical technicians and advanced emergency medical technicians. The results of the study would be submitted to the Board of Regents, the Governor, and the Legislature one year after the effective date of the chapter.

EMT Training at Community Colleges

CHAPTER 86 (effective November 1, 1988) amends section 120.16 of the Penal Law to define hazing in the first degree as intentional or reckless conduct which creates a substantial risk of physical injury and thereby causes such injury, which would remain as a class A misdemeanor, and adds a new section 120.17 to define hazing in the second degree as intentional or reckless conduct creating a substantial risk of physical injury, which would be a violation. The chapter also repeals section 240.25(4) of the Penal Law, which includes hazing in the definition of harassment.

Hazing Definitions

CHAPTER 129 (effective July 20, 1988) repeals sections 4 and 5 of Chapter 372 of the Laws of 1890 relating to the dissolution of the Geneseo Academy and adds new sections 4 and 5 to provide that the funds received by Livingston County upon the Academy's dissolution be transferred to the Geneseo Foundation, Inc. for the purpose of providing scholarships and loans to worthy and needy students enrolled at the State University College of Arts and Science at Geneseo.

Funds from Geneseo Academy

CHAPTER 176 (effective September 1, 1988) expands the feasibility study authorized by chapter 9 of the Laws of 1988 to include the Agricultural and Technical colleges of the State University of New York. Chapter 9 of the Laws of 1988 authorized a study of the feasibility of community colleges offering educational training programs for emergency medical technicians and for advanced emergency medical technicians.

Community Colleges - EMTs

CHAPTER 212 (effective July 1, 1988) amends section 661 of the Education Law relating to the eligibility of students who have previously defaulted on student loans to receive a further guaranteed loan or award, to provide that a student must have made satisfactory payments on the outstanding loan for at least 6 months, rather than the present one year.

Student Loans

CHAPTER 289 (effective September 23, 1988) adds a new section 212-b to the Education Law to provide that colleges, universities, professional, proprietary and graduate schools must reimburse students 100% of tuition prepaid to an institution if the student makes such a demand in writing before the thirtieth day prior to the commencement of the term for which the tuition was paid. The refunds must be made within 60 days of receipt of that demand. The chapter states that deposits on tuition would not be governed by its provisions, and that the provisions would not apply if the institution entered into a nonrevokable contract for special or extraordinary instructional services after receipt of the tuition payment and in reliance on the prospective attendance of the person paying the tuition so long as the person was notified before paying tuition that such a contract would be required.

Tuition Refunds

CHAPTER 304 (effective July 25, 1988) authorizes the State University at Stony Brook to lease ten acres of land on its east campus to any person or corporation other than the state, an agency thereof or a public authority, for the development, construction and operation of industrial and high-technology incubator space and research and development facilities. Such a lease requires approval by the State University Trustees, the Attorney General, the Director of the Budget and the State Comptroller. The act expires if no contract or lease is approved within three years of its effective date.

Lease at SUNY Stony Brook

CHAPTER 416 (effective July 29, 1988) directs the trustees of the State University of New York to develop guidelines establishing minimum living condition standards to be maintained in dormitories and residence halls of the University. Such standards are to provide that residence halls be maintained in a manner fit for human habitation. The chapter further directs that student handbooks and other similar publications incorporate the trustees' living condition standards as well as policies relating to the rights and responsibilities of residence hall students. The trustees are to prepare and adopt these guidelines by September 1, 1989.

Minimum Living Condition Standards of SUNY

CHAPTER 425 (effective July 29, 1988) amends sections 605 and 667 of the Education Law, and adds a new article 13-A to the Education Law to create a new form of scholarship aid, known as Liberty Scholarships, and amends the present provisions of the law dealing with Tuition Assistance Program awards (TAP). Liberty Scholarships would be created for college and university students who come from low income families and who are receiving tuition assistance or supplemental tuition assistance and a Pell Grant Award. Liberty Scholarships would provide a portion of the non-tuition cost of attendance. In addition, the chapter creates a Liberty Scholarship Advisory Committee, which would be concerned with identifying and proposing counseling and support services. It also creates a Liberty Partnership Program to provide grants for the purpose of providing support services to students enrolled in public and non-public schools who are identified as having a high risk of dropping out of school. The amendments to the Tuition Assistance Program generally increase the maximum amount of assistance available, and phase-in higher family income limits for purposes of reducing awards.

Liberty Scholarships and TAP Amendments

CHAPTER 439 (effective July 29, 1988) amends various provisions of the Education Law, and chapter 31 of the Laws of 1985 to increase the number of annual awards available in the Regents Loan Forgiveness Awards program, the Health Care Opportunity Scholarship program and the Professional Opportunity Scholarship program. The chapter also lowers to 20% the minimum number of minority group students within a public school district in order for an institution of higher education to be eligible for a grant award made pursuant to section 6454 of the Education Law, allows higher education institutions to exceed the $100,000 maximum annual grant if the institution also conducts summer classes as part of the improvement program, and extends the sunset provisions for the council on professional career opportunity to March 31, 1991.

Changes in Certain Awards and Scholarships

CHAPTER 570 (effective August 15, 1988) amends section 16 of the "New York State Institute on Superconductivity Act," section 22 of chapter 615 of the Laws of 1987, to provide that 50% of the funds remaining from a certain appropriation shall be made available for research and development projects by persons, institutions or entities in New York other than the State University of New York at Buffalo.

Funds for Superconductivity

CHAPTER 585 (effective September 1, 1988) amends various provisions of the Education Law relating to educational facilities of the City University of New York (CUNY). Most of these changes are technical in nature and should clarify provisions contained in current statute. One substantive change provides that security interests created in connection with design, construction, reconstruction and other matters related to community or senior college facilities are perfected at the time when a pledge or security interest attaches, without physical delivery of any collateral or any further act.

CUNY Amendments

CHAPTER 589 (effective July 1, 1989) amends subdivision 2 of section 602 of the Education Law by deleting the word "summer" from the term "full-time and part-time accelerated summer study beyond the regular program of study for the academic year," which the Commissioner of Education is required to define for purposes of student aid and loan programs. Section 665 of such law is amended to authorize the payment of annual awards in installments on an other than semester or quarterly basis, and to delete the term "summer" from a provision relating to payment for accelerated study.

Aid for Accelerated Summer Study

CHAPTER 597 (effective September 1, 1988, April 1, 1989 in part and July 1, 1989 in part) amends sections 359 and 6233 of the Education Law to require the trustees of SUNY and CUNY to submit annual financial statements which have been audited by an independent certified public accountant and prepared in accordance with generally accepted accounting principles as prescribed by the State Comptroller. SUNY trustees and CUNY trustees are required to submit the annual statement for the senior college to the Governor, the State Comptroller and the Legislature. CUNY trustees are also required to submit the annual statement to the Mayor of the City of New York. The chapter also repeals subdivision 4 of section 6230 of the Education Law, which presently requires the State Comptroller to audit the CUNY senior college budget and to report thereon to the Governor, the Temporary President of the Senate, the Speaker of the Assembly and the Mayor of the City of New York.

Annual Audits of SUNY and CUNY

CHAPTER 614 (effective September 1, 1988) amends subdivision 6 of section 6304 of the Education Law to eliminate two of the present three modes of fiscal relationship between a community college sponsor and a community college, thereby requiring the governing board of the sponsor to provide for the payment of appropriations for the maintenance of the college to the college's board of trustees.

Community College Sponsors

CHAPTER 678 (effective September 1, 1988) amends the Education Law, the Private Housing Finance Law and the Public Authorities Law in relation to financing of the acquisition, construction and improvement of State University and City University educational facilities.

SUNY and CUNY Educational Facilities

CHAPTER 679 (See Chapter 679 under Miscellaneous.)

Historical Documentary Heritage Grants

Supervision of Certain Permitees – Licensed Physical Therapists

CHAPTER 166 (effective July 27, 1988) amends section 6735 of the Education Law with respect to the nature of the supervision of limited permittees by licensed physical therapists. Present law requires on-site supervision. This chapter permits general, but not necessarily on-site supervision for the provision by a limited permittee of services which have been determined by the licensed supervisor to constitute a program of maintenance rather than a program of remedial treatment.

Medical Dental and Podiatric Malpractice

CHAPTER 184 (effective July 1, 1988 in part and retroactive July 1, 1987 and July 8, 1986, in part) amends the Civil Practice Law and Rules, the Insurance Law, the Judiciary Law, the Public Health Law, chapter 701 of the Laws of 1984, chapter 294 of the Laws of 1985, chapter 266 of the Laws of 1986 and chapter 682 of the Laws of 1986 in relation to medical, dental and podiatric malpractice; medical, dental and podiatric malpractice insurance; professional misconduct and actions for medical, dental and podiatric malpractice. The chapter extends for three more years the authority granted to the superintendent of insurance to establish malpractice insurance rates and to impose a surcharge on such rates should future conditions require and clarifies such authority.

Extension of Dental Care for Animals

CHAPTER 188 (effective June 30, 1988) extends the expiration date of subdivision 8 of section 6705 of the Education Law from July 1, 1988, to July 1, 1991, and requires the Commissioner of Education to report to the Legislature on or before January 1, 1991, regarding the continuing need for the legislation. Subdivision 8 exempts a licensed dentist who provides dental care to an animal at the request and under the immediate personal supervision of a licensed veterinarian from the licensing requirements for veterinary medicine.

Nurse Practitioners

CHAPTER 257 (effective April 1, 1989) amends the Education Law to confer general authority for the expanded practice of nursing by registered professional nurses regardless of setting, who have obtained additional professional training and qualify for certification as "nurse practitioners." It authorizes such nurse practitioners to perform additional health services including the "diagnosis of illness and physical conditions and the performance of therapeutic and corrective measures within a specialty area of practice," and to issue "prescriptions for drugs, devices and immunizing agents." Such services would be provided in collaboration with a physician pursuant to a practice agreement and protocols. Certificates for nurse practitioner practice would be issued to qualified candidates by the State Education Department.

Dental Anesthesia Certificates

CHAPTER 387 (effective May 1, 1989) adds a new section 6605-a to the Education Law to prohibit the use of general anesthesia or parenteral sedation in the practice of dentistry at any location other than a general hospital, without a dental anesthesia certificate issued by the State Education Department. The Department is authorized to promulgate regulations establishing standards and procedures for issuing the certificates which standards would include completion of an educational program, course or training, or acquisition of sufficient experience to insure that a dentist is properly trained in the use and administration of general anesthesia or parenteral sedation. The regulations could establish standards and safeguards for the use of general anesthesia or parenteral sedation.

CHAPTER 413 (effective July 29, 1988) protects podiatrists who act as "Good Samaritans" by providing aid or emergency treatment at the scene of an accident. The chapter provides that such podiatrists would not be responsible for damages for injuries sustained by the patient, unless it was established that such injuries were caused by gross negligence on the part of the podiatrist. The chapter would not apply to treatment of patients for a fee.

Podiatrists as Good Samaritans

CHAPTER 435 (effective January 1, 1990) adds a new section 6818-a to the Education Law to prohibit those engaged in the business of selling cosmetics from providing for use by, or application to, customers of cosmetics samples of cosmetics if the immediate container of cosmetics is to be used by, or applied to more than one customer. The prohibition does not apply to the application of cosmetics to the hand or arm as a sample, or to samples removed from the immediate container and applied with a single-use disposable applicator, samples dispensed from tubes, pumps, sprays or shaker containers, or samples or applicators that have been cleansed before each use or application. The chapter provides for civil penalty of $100 for a violation of this provision, and a penalty of $250 for a second or subsequent offense.

Limitations on Samples of Cosmetics

CHAPTER 510 (effective August 1, 1988) amends section 5502 of the Insurance Law to require the Medical Malpractice Insurance Association to make excess malpractice insurance available to dentist and podiatrist applicants, as well as to physician applicants.

Excess Malpractice Insurance

CHAPTER 530 (effective August 12, 1988 and until October 1, 1993) authorizes the Department of Social Services to contract with Rochester Health Care, Inc. and other licensed home care services agencies, health maintenance organizations, and health facilities, for "chronic care management demonstration programs." Such programs are for the purpose of "testing cost-effective methods of coordinating the arrangement and provision of services and to determine the effectiveness of such programs in meeting the needs of persons requiring chronic or long term care." The programs include medical and other health services, but does not exempt the persons actually providing such services from the licensing requirements imposed by the Education Law.

Chronic Care Management Demonstration Programs

CHAPTER 544 (See Chapter 544 under Laws Affecting School Districts Generally.)

Mandated Reporters of Child Abuse or Neglect

CHAPTER 584 (effective February 1, 1989) amends the Public Health Law, the Insurance Law, and the Social Services Law in relation to testing for the human immunodeficiency virus (HIV) and to the confidentiality and limitations on disclosure of information and records relating to HIV infection and acquired immune deficiency syndrome. The chapter adds a new Article 27-F to the Public Health Law to provide a comprehensive procedure for obtaining informed consent to HIV related testing, confidentiality and disclosure of HIV related information, penalties for wrongful disclosure of such information and procedures for court ordered disclosure of such information.

HIV Testing and Records

CHAPTER 587 (effective November 30, 1988) amends the Education Law in relation to the sale of lenses or eyeglasses used for simple magnification. The chapter provides that sellers of non-prescription ready-to-wear magnifying spectacles or glasses must attach a notice to each such article displayed or offered for sale which advises the possible consumer that the glasses are not intended to replace prescribed corrective lenses or examinations by eye care professionals, and further advises the prospective consumer that continuous eye checkups are necessary to determine eye health status and vision needs.

Sale of Magnifying Glasses

CHAPTER 663 (effective September 1, 1988) amends chapter 959 of the Laws of 1974 relating to the regulation of the practice of acupuncture within the State of New York, to permit individuals who have completed a training program satisfactory to the Education Department to practice acupuncture in a hospital or clinical program which, on or before the effective date of the act, has been approved for the treatment of alcoholism, substance dependence, or chemical dependency by the Division of Alcoholism and Alcohol Abuse, the Division of Substance Abuse Services or the Department of Health, even though the individual does not satisfy the qualifications for the practice of acupuncture prescribed by section three of chapter nine hundred fifty-nine. All those allowed to practice acupuncture under the provisions of the chapter must work under the general supervision of a physician or dentist certified to practice acupuncture, or an individual licensed to practice acupuncture in the State of New York.

Acupuncture

CHAPTER 534 (effective August 12, 1988) adds new subdivisions three and four to section 175-b of the State Finance Law to authorize agencies for the blind and other severely handicapped to purchase equipment, materials and supplies from contracts let by the Commissioner of General Services and from the correctional industries program administered by the Commissioner of Correctional Services.

Purchases Through OGS

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